

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 193**

Introduced by Thompson, 14

Read first time January 7, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to juvenile services; to amend sections  
2 43-2402, 43-2404.01, and 43-2404.02, Reissue Revised  
3 Statutes of Nebraska; to transfer oversight of the County  
4 Juvenile Services Aid Program to the Nebraska Commission  
5 on Law Enforcement and Criminal Justice; to change  
6 requirements of the program; to provide an operative  
7 date; to repeal the original sections; and to declare an  
8 emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 43-2402, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           43-2402. For purposes of the Juvenile Services Act:

4           (1) Coalition means the Nebraska Coalition for Juvenile  
5 Justice established pursuant to section 43-2411;

6           (2) Commission means the Nebraska Commission on Law  
7 Enforcement and Criminal Justice;

8           (3) Commission Grant Program means grants provided to  
9 eligible applicants under section 43-2406;

10          (4) County Juvenile Services Aid Program means aid to  
11 counties provided under section 43-2404.02;

12          (5) Eligible applicant means a community-based agency or  
13 organization, political subdivision, school district, federally  
14 recognized or state-recognized Indian tribe, or state agency  
15 necessary to comply with the federal act;

16          (6) Federal act means the Juvenile Justice and  
17 Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the  
18 act existed on July 1, 2001; and

19          (7) Juvenile means a person who is under eighteen years  
20 of age. + and

21          ~~(8) Office of Juvenile Services means the Office of~~  
22 ~~Juvenile Services created in section 43-404.~~

23          Sec. 2. Section 43-2404.01, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25          43-2404.01. (1) To be eligible for participation in  
26 either the Commission Grant Program or the County Juvenile Services  
27 Aid Program, counties shall develop and adopt a comprehensive  
28 juvenile services plan and submit such plan to the ~~Office of~~

1 ~~Juvenile Services~~ commission in accordance with the federal act and  
2 rules and regulations adopted and promulgated by the ~~office~~  
3 commission. Such plan may be developed by individual counties or  
4 by multiple counties. Any portion of the comprehensive juvenile  
5 services plan dealing with administration, procedures, and programs  
6 of the juvenile court shall not be submitted to the ~~Office of~~  
7 ~~Juvenile Services~~ commission without the concurrence of the  
8 presiding judge or judges of the court or courts having  
9 jurisdiction in juvenile cases for the geographic area to be  
10 served. Programs or services established by such plans shall  
11 conform to the family policy tenets prescribed in sections 43-532  
12 to 43-534.

13 (2) Counties may apply to the commission ~~for fiscal year~~  
14 ~~2001-02 and fiscal year 2002-03~~ for planning grants from funds  
15 appropriated by the Legislature to aid in the development and  
16 adoption of the comprehensive juvenile services plans. A ~~separate~~  
17 ~~and distinct budgetary program is created within the commission~~  
18 ~~which shall only be used for county planning grants in the~~  
19 ~~development of comprehensive juvenile services plans.~~ The annual  
20 ~~appropriation to the program shall not exceed one hundred~~  
21 ~~twenty-five thousand dollars.~~ A county or multiple counties may  
22 apply for a comprehensive juvenile services planning grant. ~~Such~~  
23 ~~grant shall be limited to two thousand five hundred dollars per~~  
24 ~~county for a consecutive two-year period.~~ No administrative costs  
25 shall be paid from funds appropriated to the county planning grant  
26 program.

27 (3) The ~~Office of~~ ~~Juvenile Services~~ commission shall  
28 develop or contract for the development of a statewide system to

1 monitor and evaluate the effectiveness of plans and programs  
2 receiving funds from: (a) The Commission Grant Program and (b) the  
3 County Juvenile Services Aid Program in preventing persons from  
4 entering the juvenile justice system and in rehabilitating juvenile  
5 offenders.

6           Sec. 3. Section 43-2404.02, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           43-2404.02. (1) There is created a separate and distinct  
9 budgetary program within the ~~Office of Juvenile Services~~ commission  
10 to be known as the County Juvenile Services Aid Program. ~~The~~  
11 ~~annual appropriation for this program shall not exceed four million~~  
12 ~~dollars of General Funds.~~ Funding acquired from participation in  
13 the federal act, state General Funds, and funding acquired from  
14 other sources which may be used for purposes consistent with the  
15 Juvenile Services Act and the federal act shall be used to aid  
16 counties in the establishment and provision of community-based  
17 services for accused and adjudicated juvenile offenders and to  
18 increase capacity for community-based services to juveniles.

19           (2) The annual General Fund appropriation to the County  
20 Juvenile Services Aid Program shall be apportioned to the counties  
21 as aid in accordance with the formula promulgated by the ~~Office of~~  
22 ~~Juvenile Services~~ commission in rule and regulation. The coalition  
23 shall advise the commission on the formula. The formula may take  
24 into consideration the total number of juveniles per county, the  
25 minimum funding needs for planning grants in subsection (2) of  
26 section 43-2404.01 and the establishment of a minimum funding  
27 allocation of at least two thousand five hundred dollars for  
28 individual counties if they are part of a multiple county

1 comprehensive juvenile services plan. The formula shall be solely  
2 based upon the total number of residents per county who are twelve  
3 years of age through eighteen years of age as provided by the most  
4 recently available federal census data. Aid provided to a county  
5 under this subsection shall be reduced by the cost to the state of  
6 care for juveniles from such county who, as determined by a risk  
7 and needs assessment instrument of the Office of Juvenile Services,  
8 do not meet the criteria established by rule and regulation under  
9 section 43-406 that identifies the types of offenders appropriate  
10 for youth rehabilitation and treatment centers or more restrictive  
11 placement, but who are in fact committed to the Office of Juvenile  
12 Services for placement at a youth rehabilitation and treatment  
13 center or more restrictive level placement.

14 (3) Funds provided to counties under the County Juvenile  
15 Services Aid Program shall be used exclusively to assist counties  
16 in implementation and operation of programs or services identified  
17 in their comprehensive juvenile services plan, including programs  
18 for assessment and evaluation, prevention of delinquent behavior,  
19 diversion, shelter care, intensive juvenile probation services,  
20 restitution, family support services, and family group  
21 conferencing. No funds available under the County Juvenile  
22 Services Aid Program shall be used for construction of secure  
23 detention facilities, secure youth treatment facilities, or secure  
24 youth confinement facilities. Aid received under this section  
25 shall not be used for capital construction or the lease or  
26 acquisition of facilities. Funds that are not allotted to counties  
27 shall be reallocated to the commission for the Commission Grant  
28 Program.

1           (4) Counties shall provide a minimum of a forty percent  
2 local match from nonstate sources for aid funds received from the  
3 state under the County Juvenile Services Aid Program. Any local  
4 expenditures for community-based programs for juveniles may be  
5 applied toward the local match requirement of this subsection.

6           ~~(5)~~ Any county receiving funding under the County  
7 Juvenile Services Aid Program shall file an annual report as  
8 required by rules and regulations adopted and promulgated by the  
9 Office of Juvenile Services commission. The report shall include,  
10 but not be limited to, information on the total number of juveniles  
11 served, the units of service provided, a listing of the county's  
12 annual juvenile justice budgeted and actual expenditures, and a  
13 listing of expenditures for detention, residential treatment, and  
14 nonresidential treatment.

15           ~~(6)~~ (5) The Office of Juvenile Services commission shall  
16 report annually to the Governor and the Legislature on the  
17 distribution and use of funds appropriated under the County  
18 Juvenile Services Aid Program. ~~On or before December 1, 2002, the~~  
19 ~~Office of Juvenile Services, in consultation with county~~  
20 ~~representatives, shall recommend to the Governor and the~~  
21 ~~Legislature a statewide structure for the delivery of juvenile~~  
22 ~~services.~~

23           Sec. 4. This act becomes operative on July 1, 2005.

24           Sec. 5. Original sections 43-2402, 43-2404.01, and  
25 43-2404.02, Reissue Revised Statutes of Nebraska, are repealed.

26           Sec. 6. Since an emergency exists, this act takes effect  
27 when passed and approved according to law.

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